

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

FREDERICK O. BLACK,

Petitioner,

v.

Nos.: 3:94-cr-117

3:12-cv-287

(VARLAN/GUYTON)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM AND ORDER

Petitioner was convicted of distribution of cocaine base. The Sixth Circuit affirmed the conviction, finding no prejudicial error in the judgment and proceedings. *United States v. Black*, No. 95-6208, (6th Cir. Nov. 13, 1996) (mandate issued) [Criminal File No. 3:94-cv-117, Doc. 79].

Petitioner then filed a motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255, attacking the same conviction, which was denied on the merits. *Frederick O. Black v. United States*, Civil Action No. 3:96-cv-1005 (E.D. Tenn. July 27, 1999) (order denying § 2255 motion) [Doc. 82], *application for certificate of appealability denied*, No. 99-6161 (6th Cir. March 29, 2000).

Petitioner next filed a second § 2255 motion, which was transferred to the United States Court of Appeals for the Sixth Circuit because the district court had not received an order from the Sixth Circuit authorizing consideration of a second or successive § 2255 motion; the Sixth Circuit denied permission to consider a second or successive § 2255

motion. *Frederick O. Black v. United States*, Civil Action No. 3:08-cv-159 (E.D. Tenn. April 30, 2008) (transfer order), *motion denied*, No. 08-5560 (6th Cir. Jan. 16, 2009) [Doc. 110].

Petitioner then filed a petition for writ of error coram nobis, which was denied. *Frederick O. Black v. United States*, Civil Action No. 3:11-cv-328 (E.D. Tenn. Nov. 30, 2011) (Judgment Order) [Doc. 129]. Since the denial of his petition for writ of error coram nobis, petitioner has filed numerous motions in this case.

Petitioner's motions for status of the petition for writ of error coram nobis [Docs. 130, 131, 136, 137, and 139] are **DENIED** as **MOOT**. Likewise, petitioner's motions for an evidentiary hearing [Doc. 135] and to supplement his petition [Doc. 138] are **DENIED** as **MOOT**.

Petitioner's motion for the Court to consider his petition pursuant to 28 U.S.C. § 2255 [Doc. 132] is **DENIED**. In addition, the Clerk is **DIRECTED** to close Civil Action No. 3:12-cv-287, which civil case was opened as a result of petitioner again seeking relief under § 2255.

In denying the petition for writ of error coram nobis, the Court certified that any appeal would be frivolous and the Court further denied petitioner leave to proceed *in forma pauperis* on appeal. Accordingly, petitioner's motion for leave to appeal *in forma pauperis* [Doc. 134] is **DENIED**.

Petitioner moves the Court, more than twenty months after his petition for writ of error coram nobis was denied, for an order reopening the time for filing an appeal from that denial. Petitioner claims he never received notice of the entry of judgment. The docket

sheet, however, reflects that copies of the Court's Memorandum and accompanying Judgment Order were mailed to petitioner at the address he provided to the Court. The Court notes that those copies were not returned undelivered and thus the Court presumes petitioner received the copies mailed to him. Accordingly, petitioner's motion to reopen the time for filing an appeal [Doc. 140] is **DENIED**. Fed. R. App. P. 4(a)(6).

E N T E R :

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE